

PROOF

STATE OF IOWA

Senate Journal

TUESDAY, JANUARY 17, 2006

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 17, 2006

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by Pastor Greg Davison of Trinity Lutheran Church in Marshalltown, Iowa. He was the guest of Senator McKibben.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Brooke Dummermuth.

The Journal of Friday, January 13, 2006, was approved.

SPECIAL GUEST

Senator Tinsman introduced Robert Dana, Iowa Poet Laureate, to the Senate. Mr. Dana read the following poem:

VICTOR

A farmhouse left to high
grass. Clapboard grey-
white as wind-scoured bone.
The mouth of the doorway,
the eye of one window
battered shut. So many
stories gibbering in and
out of this empty head
like shadowy small birds.

We see it at 186,000
miles a second, the speed
light travels from even
a vanished star. Victor
out back in his vegetable
garden. His raked and
stained fedora. Scrubbed
knuckles of young potatoes
bubbling up under his hoe.
His woman calls him into
the fading house for supper,
the spider by her window
riding out the wind in its
harness of silk, light in
the trees coming and going.
But Victor stays, watching
the bright air of evening
rain down, bloom, fill.

The Senate rose and expressed its appreciation of his work.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:20 p.m.
until 8:30 a.m., Wednesday, January 18, 2006.

APPENDIX**APPOINTMENTS TO BOARDS AND COMMISSIONS**

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on January 17, 2006, to investigate the appointment and reappointment of the following appointees:

BUSINESS AND LABOR RELATIONS

As a member of the Iowa Workforce Development Board:

DAVID OWEN – Courtney and Shull, Co-chairs; Behn and Dotzler

COMMERCE

As a member of the Iowa Telecommunications and Technology Commission:

MICHAEL MAHAFFEY – Kettering and Rielly, Co-chairs; Stewart and Zaun

As a member of the Utilities Board:

CURTIS W. STAMP – Courtney and Kettering, Co-chairs; McCoy and Zaun

EDUCATION

As a member of the State Board of Education:

MAX PHILLIPS – Connolly and McKinley, Co-Chairs; Angelo and Kreiman

As members of the Technology Governance Board:

SANDRA COWIE – Beall and Brunkhorst, Co-chairs; Dvorsky and Ward
RANDALL RAMUNDT – Dvorsky and Mulder, Co-chairs; Beall and Brunkhorst

HUMAN RESOURCES

As members of the Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission:

RICK HECHT – Johnson and Wood, Co-chairs; Dotzler and Tinsman
JANICE HEIKES – Tinsman and Wood, Co-chairs; Dotzler and Johnson

As members of the Board of Physician Assistant Examiners:

MARY CHARLTON – Boettger and Dotzler, Co-chairs; Behn and Kreiman
DONALD KLITGAARD – Boettger and Dotzler, Co-chairs; Houser and Kreiman

As a member of the Prevention of Disabilities Policy Council:

MARIANNE (MARY) NEHUS – Hatch and Tinsman, Co-chairs; Behn and Wood

As a member of the Commission on Tobacco Use Prevention and Control:

ANDREA COZIAHR – Bolkcom and Houser, Co-chairs; Gaskill and Quirnbach

As a member of the Commission on the Status of Women:

CARLA ESPINOZA – Hatch and Tinsman, Co-chairs; Boettger and Ragan

JUDICIARY

As a member of the Board of Corrections:

FRANK (MARTY) MARTINEZ – Quirnbach and Zaun, Co-chairs; Dvorsky and Ward

As a member of the Commission on Judicial Qualifications:

ROBERT HUFFMAN – Fraise and Tinsman, Co-chairs; Boettger and Horn

STATE GOVERNMENT

As members of the Board of Barber Examiners:

KRISTINA LUSK – Danielson and Wieck, Co-chairs; Hancock and Miller
ROBERT VANVOOREN – Danielson and Miller, Co-chairs; Hancock and Zieman

As a member of the Board of Cosmetology Arts and Sciences Examiners:

DAVID LYN WEATHERWAX – Danielson and Ward, Co-chairs; Hancock and Wieck

As a member of the Elevator Safety Board:

ROBERT OLNEY – Brunkhorst and Hatch, Co-chairs; Kettering and Wood

As a member of the Board of Examiners for the Licensing and Regulation of Hearing Aid Dispensers:

MARY RICKETTS – Tinsman and Wood, Co-chairs; Brunkhorst and Kibbie

As a member of the IowAccess Advisory Council:

LAWRENCE LENTZ – Danielson and Kettering, Co-chairs; Black and Ward

As a member of the Landscape Architectural Examining Board:

MARK RIPPLINGER – Black and Zieman, Co-chairs; Brunkhorst and Danielson

As members of the Board of Examiners for Massage Therapy:

DOUG CARLSON – Miller and Wood, Co-chairs; Hatch and Tinsman
AARON LANDMESSER – Hatch and Ward, Co-chairs; McKibben and Wood

As a member of the Board of Mortuary Science Examiners:

TYRONE ORR – Danielson and Wieck, Co-chairs; Hatch and Ward

As a member of the State Racing and Gaming Commission:

GREGORY SEYFER – Black and Zieman, Co-chairs; Hatch and Miller

As members of the Real Estate Commission:

LAUREL (LORI) DIEHL – Hatch and Zieman, Co-chairs; Black and Wieck
E. KARL REICHERT – Black and McKibben, Co-chairs; Hatch and Zieman

As a member of the Board of Social Work Examiners:

KATINKA KEITH – Hatch and Kettering, Co-chairs; Black and Tinsman

TRANSPORTATION

As a member of the State Transportation Commission:

WAYNE SAWTELLE – Fraise and Ward, Co-chairs; Warnstadt and Zieman

WAYS AND MEANS

As members of the Iowa Railway Finance Authority:

WANDA CARLSON – Dotzler and Hahn, Co-chairs; Danielson and Zaun
DIANNA DAROLD – Danielson and Hahn, Co-chairs; Dotzler and Zaun

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Sophia Lagios, Mason City—For celebrating your 100th birthday. Senator Ragan (1/17/06).

Mr. Nur Jazlan Mohamed, Malaysia—For being a distinguished guest of Iowa. Senator Beall (1/17/06).

Alexander Douglas Rowe, Gladbrook—For achieving the rank of Eagle Scout, Boy Scout Troop 327. Senator Putney (1/17/06).

Douglas Zschoche, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 22. Senator Connolly (1/17/06).

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF ELDER AFFAIRS

2005 Annual Report for the Office of the State Long-Term Care Ombudsman, pursuant to 321 IAC chapter 8. Report received on January 17, 2006.

2005 Senior Living Coordinating Unit Annual Report, pursuant to Iowa Code section 231.58. Report received on January 17, 2006.

IOWA HOSPITAL ASSOCIATION

Report on the shortened IPERS retirement waiting period from four months to one month for licensed health care workers employed by a public hospital, pursuant to Iowa Code section 249I.3. Report received on January 17, 2006.

DEPARTMENT OF HUMAN SERVICES

Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission Annual Report, pursuant to Iowa Code section 225C.6(1)(h). Report received on January 17, 2006.

Mental Health, Mental Retardation, Developmental Disabilities, and Brain Injury Commission System Redesign Progress Report, pursuant to Iowa Code section 225C.6A. Report received on January 17, 2006.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

2005 Annual Report for the Iowa Communications Network. Report received on January 17, 2006.

DEPARTMENT OF TRANSPORTATION

Biodiesel Fuel Revolving Fund Expenditures, pursuant to 2001 Acts, Senate File 465. Report received on January 17, 2006.

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

FFA students from North Scott High School. Senator Wood.

FFA students from Prairie Valley High School. Senator Beall.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: January 12, 2006, 11:32 a.m.

Members Present: Ragan and Seymour, Co-chairs; Boettger, Bolkcom, Dotzler, Gaskill, Houser, Johnson, Kreiman, Quirnbach, Tinsman, and Wood.

Members Absent: Behn and Hatch (both excused).

Committee Business: Organizational meeting.

Adjourned: 11:37 a.m.

APPROPRIATIONS

Convened: January 17, 2006, 3:15 p.m.

Members Present: Angelo and Dvorsky, Co-chairs; Black, Boettger, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Stewart, Tinsman, Ward, and Warnstadt.

Members Absent: Shull (excused).

Committee Business: Approved LSB 5908sc.

Adjourned: 3:30 p.m.

LOCAL GOVERNMENT

Convened: January 17, 2006, 2:30 p.m.

Members Present: Quirnbach, Co-chair; Houser, Lundby, Mulder, Putney, Rielly, Schoenjahn, Stewart, and Zaun.

Members Absent: Shull, Co-chair; Kreiman and McCoy (all excused).

Committee Business: Presentation by Susan Judkins from the Iowa League of Cities.

Adjourned: 3:05 p.m.

STATE GOVERNMENT

Convened: January 17, 2006, 2:30 p.m.

Members Present: Horn and McKibben, Co-chairs; Brunkhorst, Connolly, Danielson, Hancock, Hatch, Kettering, Kibbie, Miller, Wieck, and Ziemann.

Members Absent: Black, Tinsman, Ward, and Wood (all excused).

Committee Business: Approved Governor's appointments.

Adjourned: 2:35 p.m.

INTRODUCTION OF BILLS

Senate File 2034, by Ragan and Bolkcom, a bill for an act providing for the establishment of an office of suicide prevention within the Iowa department of public health, and making an appropriation.

Read first time under Rule 28 and referred to committee on **Appropriations**.

Senate File 2035, by Johnson, a bill for an act relating to the date of the regular school election and including effective, applicability, and transition date provisions.

Read first time under Rule 28 and referred to committee on **State Government**.

Senate File 2036, by committee on Appropriations, a bill for an act revising and making appropriations involving veterans programs for the fiscal year beginning July 1, 2005, and providing an effective date.

Read first time under Rule 28 and **placed on Appropriations calendar**.

STUDY BILLS RECEIVED

SSB 3008 **Economic Growth**

Relating to eminent domain authority and condemnation and including effective date and applicability date provisions.

SSB 3009 Commerce

Relating to the payment of wages by payroll card and making penalties applicable.

SSB 3010 Human Resources

Relating to the medical assistance program, including eligibility requirements for adults and provider overpayment rate adjustments.

SSB 3011 Human Resources

Providing penalties for violations relating to the performance of radon testing and abatement measures.

SSB 3012 Human Resources

Providing for the establishment of a nutrition and physical activity community obesity prevention grant program, and providing a contingent effective date.

SSB 3013 Human Resources

Revising the membership requirements for the child advocacy board.

SSB 3014 Human Resources

Relating to dependent adult abuse including the confidentiality of and access to dependent adult abuse information.

SSB 3015 Human Resources

Relating to income withholding under the child support recovery program.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 103**

RULES AND ADMINISTRATION: Gronstal and Iverson, Co-chairs; Kibbie and Lamberti

Senate File 2025

EDUCATION: Beall and Boettger, Co-chairs; Kreiman and Mulder

Senate File 2030

WAYS AND MEANS: Stewart and Zaun, Co-chairs; McCoy and Wieck

SSB 3008

ECONOMIC GROWTH: Brunkhorst and Danielson, Co-chairs; Behn, Dotzler, Hatch, and Zaun

SSB 3009

COMMERCE: Courtney and Wieck, Co-chairs; Rielly and Zaun

SSB 3010

HUMAN RESOURCES: Hatch and Seymour, Co-chairs; Behn, Quirnbach, and Wood

SSB 3011

HUMAN RESOURCES: Gaskill and Wood, Co-chairs; Hatch and Quirnbach

SSB 3012

HUMAN RESOURCES: Bolkcom and Johnson, Co-chairs; Ragan, Tinsman, and Wood

SSB 3013

HUMAN RESOURCES: Bolkcom and Tinsman, Co-chairs; Boettger, Dotzler, and Ragan

SSB 3014

HUMAN RESOURCES: Houser and Kreiman, Co-chairs; Bolkcom, Quirnbach, and Tinsman

SSB 3015

HUMAN RESOURCES: Boettger and Dotzler, Co-chairs; Johnson, Kreiman, and Ragan

LSB 5908sc

APPROPRIATIONS: Angelo and Stewart, Co-chairs; Tinsman and Warnstadt

FINAL COMMITTEE REPORT OF BILL ACTION**APPROPRIATIONS**

Bill Title: [SENATE FILE 2036](#) (LSB 5908sc), a bill for an act revising and making appropriations involving veterans programs for the fiscal year beginning July 1, 2005, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL

Final Vote: Ayes, 23: Angelo, Dvorsky, Black, Boettger, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Johnson, Kettering, Lamberti, Miller, Putney, Ragan, Seng, Seymour, Stewart, Tinsman, Ward, and Warnstadt. Nays, none. Absent, 1: Shull.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.